

III. REMARKS

Claims 1-20 are pending in this application. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant gratefully appreciates this indication.

In the Office Action, claims 1-4 and 6-20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Cranford Jr. et al. (U.S. 6,298,458), hereinafter “Cranford”, in view of Drost et al. (U.S. 6,076,175), hereinafter “Drost”. Applicant respectfully traverses this rejection for the reasons stated below.

With respect to independent claims 1, 8, 15 and 18, Applicant respectfully objects to the Office’s use of Cranford as a reference in its rejection under 35 U.S.C. §103(a). Specifically, the Office admits that Cranford qualifies as a prior art reference only under 35 U.S.C. 102(e). (*See* the previous Office Action dated 08/04/2006). Furthermore, Applicant asserts that Cranford was owned by, and the current invention (10/063,316) was subject to an obligation of assignment to, International Business Machines Corporation of Armonk, New York at the time the current invention (10/063,316) was made. As such, the above-referenced 35 U.S.C. §103(a) rejection of claims 1-4 and 6-20 using, *inter alia*, Cranford is improper. Accordingly, Applicant submits that

claims 1-4 and 6-20 are allowable and respectfully requests that the Office withdraw the rejection.

In addition, Applicant submits that Drost does not overcome the admitted deficiency of Cranford regarding, *inter alia*, “a built-in-self-test (BIST) device ... for providing a reference clock signal with a varied offset for jitter testing the transceiver[.]” (Claim 1, similarly claimed in claims 8, 15 and 18). Drost only discloses modulating frequency or pulse width of the transmit clock signal (col. 3, lines 33-34), but not “a varied offset” as in the claimed invention. The Office asserts that “the pulse width corresponds to the varied offset.” (Office Action at page 3). Applicant respectfully disagrees because offset relates to how early/late a raising edge/falling edge of a clock cycle is, but is not the width of the pulse. As such, Cranford and Drost, even in the suggested combination, do not disclose or suggest the claimed invention.

The dependent claims are believed allowable for the same reasons stated above, as well as for their own additional features

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/Spencer K. Warnick/

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